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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/721,349      | 11/26/2003  | Massimo Canali       | Q78653              | 6142             |

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| EXAMINER |
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DAM, KIM LYNN

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| ART UNIT | PAPER NUMBER |
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2112

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 12/19/2006 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/721,349

Applicant(s)

CANALI ET AL.

Examiner

Kim-Lynn Dam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/26/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/26/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to the application filed on 11/26/03, which claims priority of European Patent Application No. 03290425.2 filed on 2/21/03.

### ***Specification***

2. The specification is objected to because the Brief Description of the Drawings and Detailed Description are missing. The drawing is not disclosed in the specification. Applicant is reminded of the following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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(I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The use of the trademarks Internet Explorer, Netscape, Windows Explorer, and Opera has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Embedded hyperlinks should be deleted from the specification (See page 3, line 9).

### ***Drawings***

4. The drawings are objected to because there are no reference numbers for each portion of the drawing and it is not labeled as Figure 1. Correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 1 contains the trademark/trade names Internet Explorer and Netscape. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe web browsers and, accordingly, the identification/description is indefinite.

The limitations ("Internet Explorer, Netscape, etc.") have not been considered as to the merits because they are enclosed within parentheses. Such limitations have to be removed from within the parenthesis in order to be considered.

6. Claims 1 and 2 are objected to because of the following informalities:

Recitation of the abbreviations "MIB" and "EM-NM" is improper. The terms must be defined within the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 4 of the claim recites "at the Element Manager Level (EML), acting as an HTTP server, a syntactical conversion from the specific protocol dependent MIB model language into a generic eXtensible Markup Language (XML) model is made". It is unclear how a syntactical conversion would act as an HTTP server. Applicant is advised to amend the claim to resolve such ambiguity in the claim.

Claim 1 recites the limitation "the Element Manager Level (EML)" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitations "the MIB representation" and "the specific application MIB description". There is insufficient antecedent basis for these limitations in the claim.

Applicant is advised to amend claims 1 and 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by "Specification of a MIB XML for Systems Management" by Soares.

Regarding claim 1, Soares disclosed a method for creating a Graphical User Interface (GUI), starting from a protocol dependent MIB browser and an EM-NM interface model, comprising the following steps:

at the Element Manager Level (EML), acting as an HTTP server, a syntactical conversion from the specific protocol dependent MIB model language into a generic extensible Markup Language (XML) model is made (Abstract; Page 8, left-hand column, lines 9-13);

the syntactical conversion is retrieved from the GUI through a WEB browser (Internet Explorer, Netscape, etc.) acting as an HTTP client (Page 5, right-hand column, Section 5, lines 10 to Page 6, left-hand column, line 1; Figures 7 and 8);

when retrieved, the syntactical conversion is parsed using a specific extensible Markup Language (XML) Scheme (Page 6, right-hand column, lines 4-8; Page 8, left-hand column, lines 26-29).

Regarding claim 2, Soares disclosed a method according to claim 1, wherein the WEB browser is a generic manager application which:

displays the MIB representation provided by an agent application, implementing the HTTP server side of a network device or a manager communication channel (Page 5, right-hand column, Section 5, lines 10 to Page 6, left-hand column, line 1; Figure 8);

reports the events which are sent from said server using the XML-based protocol method (Page 5, right-hand column, Section 5, lines 10 to Page 6 line 4);

downloads, from the HTTP server, the XML Scheme to be used to decode the specific application MIB description (Page 6, left-hand column, lines 4-12).

Regarding claim 3, Soares disclosed a telecommunication system comprising means for implementing the methods of claim 1, comprising controlled Network Entities acting as said HTTP server (Page 5, right-hand column, Section 5, lines 1-10), and a Graphical User Interface (GUI) controller acting as said HTTP client (Page 5, right-hand column, Section 5, lines 10 to Page 6, left hand column, line 1; Figure 7).

Regarding claim 4, Soares disclosed a telecommunication system comprising means for implementing the methods of claim 2, comprising controlled Network Entities acting as said HTTP server (Page 5, right-hand column, Section 5, lines 1-10), and a Graphical



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User Interface (GUI) controller acting as said HTTP client (Page 5, right-hand column, Section 5, lines 10 to Page 6, left hand column, line 1; Figure 7).

Regarding claim 5, Soares disclosed a computer program comprising computer program code means adapted to perform all the steps of claim 1, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 6, Soares disclosed a computer program comprising computer program code means adapted to perform all the steps of claim 2, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 7, Soares disclosed a computer readable medium having a program recorded thereon, said computer readable medium comprising computer program code means adapted to perform all the steps of claim 1, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 8, Soares disclosed a computer readable medium having a program recorded thereon, said computer readable medium comprising computer program code means adapted to perform all the steps of claim 2, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 7:30-5:00, Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on (571) 272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kim-Lynn Dam  
Art Unit 2112

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER  
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